



PRESENT:

Dr. Edgar V. Wallin, Chairman
Mr. J. Dale Patton, Vice-Chairman
Dr. William P. Brown
Mr. Russell J. Gulley
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. William D. Dupler, Deputy County Administrator,
County Administration
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Mr. Glenn Larson, Assistant Director,
Plans and Information Section, Planning Department
Mr. Steven F. Haasch, Planning Manager,
Plans and Information Section, Planning Department
Ms. Bonnie L. Perdue, Clerk to the Commission,
Plans and Information Section, Planning Department
Mr. James Bowling, Principal Planner,
Plans and Information Section, Planning Department
Ms. Tara McGee, Senior Assistant County Attorney,
County Attorney's Office
Mr. Greg Allen, Planning Manager,
Review Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Development Review Section, Planning Department
Ms. Darla Orr, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Ryan Ramsey, Senior Planner,
Development Review Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Development Review Section, Planning Department
Mr. Jesse Smith, Director,
Transportation Department

Mr. Scott Smedley, Director
Environmental Engineering Department
Mr. Carl D. Schlaudt, Planning Manager,
Community Development
Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology Department
Firefighter Greg Smith, Fire and Life Safety,
Fire and EMS Department
Dr. Cynthia Richardson, Planning Administrator,
Chesterfield County Public Schools
Mr. Chris Workman, Inspections and Floodplain Manager,
Environmental Engineering Department
Ms. Amy Somervell, Senior Planner,
Review Section, Planning Department

ASSEMBLY AND WORK SESSION.

Messrs. Wallin, Patton, Brown, Gulley and Waller and staff assembled at 2:01 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions, or changes in the order of presentation.

III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for October, November, December 2014 and January 2015.

IV. REVIEW DAY'S AGENDA.

Mr. Greg Allen advised there was one (1) case for the 4:00 p.m. session, Case 15PS0101, Kroger at the Shoppes at Bellgrade.

Ms. Jane Peterson advised the Commission of the eleven (11) cases for today's agenda.

V. WORK PROGRAM - REVIEW AND UPDATE.

In response to a question from Mr. Waller relative to Tower Siting, Mr. Turner stated Tower Siting would be presented at the October 2014 work session.

In response to a question from Mr. Waller relative to the number of times weekly report are amended/reviewed, Mr. Greg Allen stated staff is looking at ways to improve the process and will work with Mr. Turner and Mr. Dupler to facilitate the enhanced process.

VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST. 📄

There were no questions or comments relative to the follow-up list.

VII. (13PJ0122) REVITALIZATION STRATEGY.

Mr. Bill Dupler presented an overview to the Commission on the Revitalization efforts relative to improving the strategic approach by focusing resources around school improvements. There are nine (9) focus areas that surround the major investments as mentioned in the CIP. Providence Middle School will be the first school area that receives the focused Revitalization efforts using an approximate one (1) mile radius extending out from the school. Improvements in both commercial and residential neighborhoods are anticipated, that combined with community partnerships will leverage the best outcome.

In response to a question from Dr. Brown relative to receiving a copy of the script being used for the presentation, Mr. Dupler advised he would get one to Dr. Brown on Wednesday, September 17.

In response to a question from Mr. Gulley relative to schools having a dedicated resource to address Revitalization, Mr. Dupler stated they are working in partnership with schools. Staff is in touch with the architects that are planning the school improvements and he expects participation among schools and staff to coordinate efforts such as sidewalks in the Hull Street Corridor.

In response to a question from Mr. Gulley relative to Revitalization and Infill being brought together, Mr. Dupler stated once a determination is made about what Infill represents, there will be opportunities to bring Revitalization and Infill together. If we decide that Infill is not an issue for us as a suburban redeveloping community, then there may not be opportunities to combine them. He feels there is a need to execute more of a revitalization strategy than we have and there is a need to coordinate with other activities that are in place.

Mr. Gulley stated if you take a piece of property that is in the boundaries of one of the Revitalization areas and you put a better product there, it may encourage a private investor to further the progress.

Mr. Patton stated he agrees with Mr. Gulley and he wants to see constructive strategies implemented. In response to a question from Mr. Patton relative to a timeline, Mr. Dupler replied that within six (6) months he feels they can start producing meaningful results. They will begin with re-aligning the existing work program and he can provide an outline to support that to the Commission.

In response to a question from Mr. Waller relative to the point person from schools, Mr. Dupler responded Mr. Andy Hawkins.

In response to a question from Mr. Waller relative to architects being in place for schools, Mr. Dupler responded that both Beulah and Manchester Middle have assigned architects.

In response to a question from Mr. Waller relative to Enterprise Zones and cash proffers, Mr. Dupler responded the Board did not change the cash proffer policy regarding Enterprise Zones.

Mr. Patton stated Revitalization is a sense of community and when he is looking for specifics, he is thinking of things like the Boy Scouts needing hours for community service, after school education programs at a church, etc. He sees Revitalization as all-encompassing and not just a broad-brush stroke. He would like a report that comes at Revitalization from that perspective. Mr. Dupler stated that with limited resources, it will probably be one person overseeing this aspect but understands Mr. Patton's concerns.

Dr. Wallin stated this Commission is anxious to see something happen on Revitalization. The report today identifies the targeted schools for Revitalization as the beginning point and of those nine (9) schools; Mr. Dupler has identified three (3) attendance zone areas as target areas. Dr. Wallin would like to see the priority areas established and then move forward with the Revitalization.

Mr. Dupler advised he had encouraging conversation with Mr. Andy Hawkins with schools regarding engaging the local community in the Revitalization areas.

VIII. PRESENTATION FROM THE BETTER HOUSING COALITION.

Ms. Greta Harris presented an overview to the Commission about the Better Housing Coalition and their involvement in providing affordable housing in the Richmond area.

IX. DISCUSSION REGARDING DAM SAFETY.

Mr. Scott Smedley presented an overview to the Commission relative to dam safety.

Mr. Chris Workman, with EE advised that he will be completing an inspection of regulated and unregulated dams within the County.

In response to a question from Dr. Brown relative to the image of the clogged spillway, Mr. Workman responded it was Reed's Pond and this dam is regulated. Dr. Brown asked if the vegetative-covered downstream site of the impounding structure had been repaired. Mr. Workman replied although he had not been at the site in a few days, he did know repairs to the dam had been made. Mr. Workman stated the trees that needed to be removed, had not been done as of today.

In response to a question from Mr. Patton relative to the Reed's Pond dam being inspected, Mr. Workman replied that dams are to be inspected every year. The specific requirements for dam inspection vary between the owner and the Virginia Department of Conservation & Recreation (DCR) and depending on the type of dam.

X. RECESS.

The Commission briefly recessed at 4:05 p.m.

4:00 P.M. PUBLIC MEETING.

I. CALL TO ORDER.

Dr. Wallin, Chairman, called the meeting to order at 4:15 p.m., in the Public Meeting Room, Lane B. Ramsey Administration Building, 10001 Iron Bridge Road, Chesterfield, VA.

II. **REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

III. **REVIEW MEETING PROCEDURES.**

The Commission dispensed with the reading of the meeting procedures until the 6:00 p.m. meeting.

IV. **APPROVAL OF MINUTES.**

- August 19, 2014 Minutes.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to approve the August 19, 2014 Planning Commission minutes.

AYES: Messrs. Wallin, Brown, Gulley and Waller.
ABSTAIN: Mr. Patton.

V. **PUBLIC MEETING.**

- A. **15PS0101:** In Midlothian Magisterial District, **Kroger** requests approval to amend a schematic plan sign package for **Kroger-The Shoppes at Bellgrade** in Corporate Office (O-2) District on a site totaling 6.7 acres located at 3001 Polo Parkway. Tax ID 741-716-4414.

Mr. Jim Theobald the applicant's representative accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

In response to a question from Mr. Waller relative to the adjacent being notified, Ms. Crews responded they were notified and there is support from the shopping center regarding changes.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to approve Case 15PS0101.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

THE COMMISSION RESUMED WORK SESSION TOPICS.

X. (14PJ0130) INFILL DEVELOPMENT STUDY.

Mr. Jimmy Bowling presented an overview to the Commission and has supplied the Commission with a definition of Infill without specific delineated areas.

In response to a question from Mr. Patton relative to examples of Infill inventories that are comprised of residential and commercial examples, Mr. Bowling stated he can generate an inventory based upon the quantifiable criteria, the more generalized criteria surrounded by development, will require more work.

Dr. Wallin stated if we continue to tie Infill only to Revitalization, it places restrictions on some areas where we want to see developments completed. The definition as outlined tends to promote development in areas other than those identified specifically or those that are targeted as Revitalization areas. If Infill is tied too closely to Revitalization, some areas that need it will be overlooked.

Mr. Gulley stated there are no incentives tied to Infill for developers. If we want to get incentives built in as a package deal, Infill and Revitalization should be tied together when presented to the Board.

On motion of Dr. Wallin, seconded by Mr. Gulley, the Commission resolved to defer action on Project 14PJ0130, to the October 21, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

XI. (14PJ0155) PLANNING STAFF PRESENTATION CONNECTIVITY.

Ms. Amy Somervell presented an overview to the Commission relative to the Residential Subdivision Connectivity Policy. Using three subdivisions as examples, Ms. Somervell explained how these three subdivisions missed out on opportunities to connect to other communities providing more opportunities for emergency responders and vehicles.

Mr. Gulley stated there are some neighborhoods that see Connectivity as interfering with their safety and they enjoy the quiet streets and children playing safety.

Dr. Brown stated it is a problem when the Fire Department cannot access homes.

Dr. Wallin stated he has been involved with some of the larger projects where connectivity is a problem and he appreciates Mr. Allen's team when working on these sensitive issues.

Mr. Waller expressed an interest in having schools included in conversations about Revitalization.

Mr. Patton stated he agreed, if the County is going to use the renovation of schools as the hub of Revitalization, it would be nice to know what makes up the hub as this is germane to Revitalization.

Dr. Wallin asked Mr. Turner to send a letter to the Chesterfield County Public Schools Assistant Superintendent of Business & Finance, Mr. Andy Hawkins, extending the invitation for discussions related to school renovations and Revitalization.

VI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:50 p.m., agreeing to meet in the Executive Meeting Room for dinner, and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER.

II. INVOCATION.

Mr. Patton presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Miss Sydney Newton, Miss Hayden Blankenship, Mr. Siva Saravanane, and Mr. Hayden Mann, students from Crenshaw Elementary School led the Pledge of Allegiance to the Flag.

IV. RECOGNITION OF MR. GREG PEARSON.

The Commission presented Mr. Greg Pearson with a signed photo of the Planning Commission in appreciation for his contributions to Chesterfield County and the Planning Commission.

V. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload agendas for October, November, December 2014 and January 2015.

VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

The Commission agreed to amend the agenda as follows:

- Case 14SN0579 Trine Properties LLC, will be moved from the discussion agenda to the deferral agenda.
- Case 14SN0559 Carrie E. Coyner, Trustee, will be moved from the consent agenda to the discussion agenda.

VII. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizens' comments on unscheduled matters.

IX. PUBLIC HEARING.

• DEFERRAL REQUEST BY APPLICANT – REZONING.

- B. **13SN0519***: (AMENDED) In Bermuda Magisterial District, **River's Bend East, LLC** requests amendment of zoning (04SN0197) to delete cash proffers and amendment of zoning district map in a Residential (R-12) District on 102.8 acres in various locations within the Meadowville Landing Subdivision. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests property is appropriate for Low Density Residential use (maximum of 1 dwelling per acre). Tax IDs 822-661-3043, 4694, 4969, 5346, 9039, 9171 and 9416; 822-662-5422, 7709, 7732 and 8838; 823-660-1465 and 2793; 823-661-0132, 0310, 0653, 1195, 2713, 2779, 3490, 5194, 7485, 7597 and 7971; 823-662-0923, 5888, 7911, 8124 and 9432; 824-661-0060, 0183, 1365, and 1492, 3482 and 4392; 824-662-0210, 0424, 1480, 2105, 2538, 2663, 2686, 3717, 3991, 4065, 4955, 5678, 6468, 6957, 7345 and 8086; 824-663-2711, 4117, 6027, 7202, 7331 and 8408; 825-660-9979; 825-661-6811; 825-662-6584, 7258, 7891 and 9097; 825-663-0139, 1214 and 7439; 826-661-8420; 826-662-0976, 2377, 3575, 4772, 5664, 5899 and 6770; and 826-663-0301, 1603, 3002 and 4301.

Mr. Turner stated staff has the request from the applicant in writing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to defer Case 13SN0519 to the November 18, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

• DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER – REZONING.

- A. **09SN0141***: In Dale Magisterial District, **Cascade Creek Homes, Inc.** requests rezoning and amendment of zoning district map from Residential (R-9) to Neighborhood Business (C-2) on 12.5 acres located in the northeast corner of the intersection of Cogbill Road and Five Forks Lane. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 762-678- Part of 4600.

Mr. Jim Theobald, the applicant, does not consent to the deferral.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

Dr. Brown stated they have waited a very long time for the Federal Aviation Administration to reach a decision on the proposed runway lengthening of the Chesterfield County Airport and the applicant is unwilling to pay the \$1000 fee that is required if the applicant consents to a deferral. Therefore his intention is to defer the case to the October 21, 2014 Planning Commission public hearing at which time he will recommend denial and it will be sent to the Board.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission, on their own motion and without the applicant's consent, resolved to defer Case 09SN0141 to the October 21, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- E. **14SN0579***: In Bermuda Magisterial District, **Trine Properties LLC** requests conditional use planned development to permit exceptions to ordinance requirements relative to signage and screening of mechanical equipment and amendment of zoning district map in a Community Business (C-3) District on 6.1 acres fronting 225 feet on the south line of Iron Bridge Road, 240 feet west of Branders Creek Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax IDs 777-653-2931, 2949 and 4107.

Ms. Carrie Coyner, the applicant's representative, does not consent to the deferral.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

Mr. Patton advised there is an adjacent developer that has concerns relative to the ladder and signage and he feels another thirty (30) days will produce positive discussions.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission, on their own motion and without the applicant's consent, resolved to defer Case 14SN0579 to the October 21, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

• **CONSENT ITEMS - CONDITIONAL USES PLANNED DEVELOPMENTS AND REZONINGS.**

- G. **14SN0591**: In Clover Hill Magisterial District, **Tommie W. Snead and James Edward Snead** request conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-9) District on .4 acre known as 4100 Fort Sumter Court. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 738-680-7213.

Mr. and Mrs. James E. Snead, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 14SN0591, subject to the following conditions:

CONDITIONS

1. Non-Transferable Ownership: This conditional use approval shall be granted to and for James E. and Tommie W. Snead, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. Time Limitation: This conditional use approval shall be granted for a period not to exceed ten (10) years from the date of approval. (P)
7. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
8. Employees: No employees shall be permitted to work on the premises other than family member employees that live on the premises. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- H. **15SN0509**: In Clover Hill Magisterial District, **Clover Hill High School & Math & Science High School at Clover Hill High School** request conditional use planned development to permit a second freestanding sign with an electronic message center and amendment of zoning district map in an Agricultural (A) District on .1 acre of a 64.2 acre tract located in the southeast corner of Kelly Green Drive and Genito Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax ID 732-687-3969.

Dr. Deborah Marks, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Gulley, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 15SN0509 subject to the following condition and proffered condition:

CONDITION

With the approval of this request a second freestanding identification sign shall be permitted to identify Clover Hill High School. Such sign shall comply with the Zoning Ordinance requirements for freestanding signs identifying public/semi-public uses. (P)

PROFFERED CONDITION

In addition to ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of three (3) lines and shall not move but may fade;
- b. The message or display shall be programmed to change no more than once every thirty (30) seconds;
- c. Sequential messaging shall be prohibited;
- d. Flashing and traveling messages shall be prohibited;
- e. Bijou lighting and animation effects shall be prohibited;
- f. The electronic message center shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the building it serves; and
- g. Brightness shall be limited so as not to exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of seventy-seven (77) feet. The sign shall have a photocell that automatically adjusts the brightness according to the ambient light conditions. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- I. **15SN0510:** In Bermuda Magisterial District, **Steven Ashley Daniel and Jayna Dawn Daniel** request rezoning from Community Business (C-3) to Residential (R-12) and amendment of zoning district map on 2.2 acres known as 8801 Dorsey Road. Residential use of up to 3.63 units per acre is permitted in the Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for Residential use (2.51-4 units/acre). Tax ID 789-671-7993.

Mr. Steven Daniel, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0510 subject to the proffered condition:

PROFFERED CONDITION

The property shall not be further subdivided. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- J. 15SN0514:** In Midlothian Magisterial District, **Allen M. Twedt** requests conditional use to permit an electronic message center sign and amendment of zoning district map in a Light Industrial (I-1) District on .8 acre known as 14431 Sommerville Court. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office use. Tax ID 721-709-8682-00001.

Mr. Allen Twedt, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Waller advised letters were sent to the HOA's in the area and there were no letters of opposition on record.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 15SN0514 subject to the proffered condition:

PROFFERED CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of three (3) lines and shall not move but may fade;
- b. The message or display shall be programmed to change no more than once every thirty (30) seconds;
- c. Sequential messaging shall be prohibited;
- d. Flashing and traveling messages shall be prohibited;
- e. Bijou lighting and animation effects shall be prohibited;

- f. The electronic message center shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the building it serves; and
- g. Brightness shall be limited so as not to exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of forty five (45) feet. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- **CONDITIONAL USES, CONDITIONAL PLANNED DEVELOPMENT AND REZONING-OTHER.**

- C. **14SN0559***: (AMENDED) In Bermuda Magisterial District, **Carrie E. Coyner, Trustee** requests conditional use to permit mining operations on 50 acres plus conditional use planned development for an exception to bonding requirements and amendment of zoning district map on a 352.7 acre tract zoned General Industrial (I-2) located in the northeast corner of Ashton Park Drive and Ruffin Mill Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 813-639-Part of 2566 and 815-639-1193.

Ms. Darla Orr presented an overview of the case to the Commission advising the case was deferred from the June 2014 Planning Commission meeting. Since the deferral, there have been some modifications to the case. Originally the subject property did not include a small parcel of approximately fifteen (15) acres and that is now included. The Commission should acknowledge that the applicant acreage is 348.7 acres, reduced from 352.7 acres that was identified in the advertisement. The property is zoned (I-2) and fronts the east line of Ruffin Mill Road and was zoned in 1987 as part of a 1,036 acre tract. Area properties are zoned industrial, residential and agricultural and are occupied by industrial use, single-family residential use or are vacant. Proffered conditions have been offered by the applicant to address concerns voiced at the two (2) community meetings. These include limiting truck traffic, limiting the hours of operation and not permitting blasting on the property. They have proffered that excavation can only occur on the fifty (50) acres show in red on the map, limit the conditional use to ten (10) years and conditional use would be granted only to specific operators and they will not have the ability to transfer this conditional use. The mining use was a concern voiced by citizens. This use is regulated by the Zoning Ordinance and contains specific standards which must be addressed prior to the County issuing a site plan, which also includes a land disturbance permit. These standards are in addition to the required approval by the State Department, the Department of Mines, Minerals and Energies, Department of Environment Quality and the Army Corps of Engineers. The applicant's plan to the County requires a plan for removal and restoration after the mining use ceases. The proffered conditions have been offered to address environment concerns and the Resource Protection Areas will be sectioned off to ensure they are not disturbed. The County will have the authority to monitor activities and there is an addendum to modify proffered condition three (3) which states the County can lawfully access the property. The applicant has proffered all copies of permits and plans that are reviewed and approved by State agencies must be submitted to the County prior to site plan approval. The applicant is also requesting an exception under a conditional use planned development. This exception is to the bonding requirements in the Ordinance and the purpose is so the applicant will not have to bond to the State and County for the same improvements. Staff recommends approval of the request as it complies with the Plan.

Ms. Carrie Coyner, the applicant's representative, stated she did not have a formal presentation and staff's report is easy to understand and follow, addressing the concerns voiced at the community meetings. The land use is not being changed and the use is less intense than what is permitted by right. The use will not transfer with the land, the traffic projections are less than those in an (I-2) district. There is a high need for materials in our area. The land owners recognized that businesses are paying to truck in materials from other areas. In the future the current land owner wants to install a water feature and removing the material now will help meet the local demand for material and support the water feature. This is not a quarry operation, there will be no blasting or Sunday operations and it will be on only fifty (50) acres. They request support from the Commission.

Dr. Wallin opened the floor for public comments.

Ms. Diana Parker spoke in opposition to the mining operation.

There being no one else to speak, Dr. Wallin closed the public hearing.

Mr. Patton advised the applicant has proffered conditions to meet the concerns voiced at the two (2) community meetings where over 100 people attended.

In response to a question from Mr. Waller relative to page four (4) of the staff report, Mr. Smedley with Environmental Engineering responded that they were comparing some of the storm water control requirements and a few of those criteria were more stringent.

In response to a question from Mr. Waller relative to the frequency of inspections, Ms. McGee responded that there is any number of ways the County could gain access to the property for bi-weekly or unscheduled inspections. If the County feels there is reasonable suspicion that there is a problem, a search warrant can be issued. There are many ways to gain access to the property other than permission.

Mr. Smedley advised EE will have a land disturbance permit issued which will give EE authority to do the bi-weekly inspections. The permit is for extraction only, no processing of concrete or asphalt.

In response to a question from Mr. Waller relative to out-watering, Mr. Paul Saunders with DMEE, explained out-watering is actually de-watering. De-watering is a pumping method that is allowed in certain circumstances for water discharge. The water must be clean and be of a certain pH quality.

In response to a question from Mr. Waller relative to trail easements that Parks and Recreation have obtained for future trails, Mr. Stuart Connock, with Parks & Recreation responded that they have plans for a linear park along the Appomattox and are looking at waterfront opportunities and other ways to traverse the site from north to south. Mr. Waller stated given all of the work done with the Committee of the Future, their position on Green Infrastructure-Protecting Resources for Future Generations, he thought Parks & Recreation would have taken a stronger position on acquiring the easement written in the staff report.

Mr. Gulley stated he had reservations about this case but after discussions with EE, he is more comfortable. When it comes to regulating mining operations, this goes beyond our jurisdiction. Even if the Board approves this case, there are still a host of permits needed from many different agencies before any work can begin.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0559 subject to the proffered conditions:

PROFFERED CONDITIONS

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the properties known as Chesterfield County Tax Identification Number 813-639-2566 and 815-639-1193 ("the Property") under consideration will be developed according to the following proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

1. Transportation of Product. There shall be no transporting or delivery of any product excavated from this site to any property in Chesterfield County unless a land disturbance permit has been issued for such property. This provision shall not apply when product excavated from this site is transported to a permitted operational industrial facility where such product is a component of the manufacturing process/product. (EE)
2. Resource Protection Area. Prior to issuance of site plan approval, the developer shall obtain approval from the Environmental Engineering Department of a Resource Protection Area Determination (RPAD) and shall permit the County to inspect the property to confirm that the RPA has been properly cordoned off to avoid disturbance of the RPA by the mining activities, as determined by the Environmental Engineering Department. (EE)
3. County Access. The County shall have the authority to enter the property to monitor on-site activities as permitted by the property owner and as allowed by law. (EE)
4. Permitting. Prior to issuance of site plan approval, the developer shall provide a copy of the plan and permit approved by the Department of Mines and Minerals for the mining operations. (EE)
5. Traffic Control Signage. Prior to commencing any mining operations, the developer shall install signage to prohibit truck traffic on northbound Ruffin Mill Road. The exact location, quantity and design of the signage shall be approved by the Transportation Department and Virginia Department of Transportation, if applicable. The developer shall maintain the signage until all mining operations on the property have ceased. (T)
6. Hours of Operation. The hours of operation shall be limited to Monday through Friday from 7 a.m. to 6 p.m., and Saturdays from 8 a.m. to 5 p.m. No Sunday operation shall be permitted. (P)
7. Textual Statement. The textual statement dated March 18, 2014 shall be considered the master document for the requested exception to Ordinance requirements. (P)
8. Protection of Waterways and Wetlands. Prior to the issuance of site plan approval, the developer shall provide a copy of the Army Corps of Engineers and Department of Environmental Quality documentation necessary for the release of their respective permits. There shall be no mining in any areas identified as Wetlands. (EE)

9. Land Disturbance. No land disturbing activities pertaining to this conditional use shall be performed on the property unless and until the Department of Mines and Minerals permit has been issued on the property. (EE)
10. Blasting Restriction. The use of explosives shall not be permitted in any blasting/mining operations to excavate, break down or remove product from the property. (EE)
11. Time Limit. This Conditional Use shall be granted for a period of ten (10) years from the date the site plan is approved by the County. (P)
12. Use Limitation. This conditional use shall be granted to and for operation by Goodrich River Trust or by George P. Emerson Jr. or any business entity for which he is a controlling member. This conditional use shall not be transferrable or run with the land. (P)
13. Maximum Area. Mining shall be permitted on a maximum of fifty (50) acres within the limits of the area identified as "Mining Area" on Exhibit A, prepared by Highmark Engineering and dated July 11, 2014. For the purposes of this condition, mining shall be defined as the breaking or disturbing of the surface soil or rock in order to facilitate or accomplish the extraction or removal of minerals. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- D. **14SN0565***: In Bermuda Magisterial District, **Emerson-Roper Companies LLC** requests rezoning from Agricultural (A) to Community Business (C-3) and amendment of zoning district map on 1.5 acres lying 210 feet off the north line of East Hundred Road, 645 feet east of Rivers Bend Boulevard. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax IDs 816-652-Parts of 0562, 1560 and 2559.

Mr. Ryan Ramsey presented an overview to the Commission and staff's recommendation for denial as it does not conform to the Plan. The request property is located off the north line of East Hundred Road. Properties to the north are zoned agricultural and are occupied by single-family residential uses or remain vacant. Properties to the south are zoned commercial and are occupied by commercial uses or remain vacant, properties to the east are zoned agricultural or commercial and are occupied by single-family residential uses, and to the west properties are zoned R-15, with zoning to permit a shopping center.

The request properties are suggested for neighborhood business uses. More intense uses are not compliant with the Plan. The applicant has elected not to include the portion properties zoned C-3 along Route 10 for this purpose.

Ms. Carrie Coyner, the applicant's representative, stated the property is adjacent to River's Bend Shopping Center. While it may not be compliant with the Plan, it fits with the existing commercial properties that exist in that space now. They did address concerns regarding hours of operations with the dumpster and they will put in a buffer.

Dr. Wallin opened the floor to public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Patton stated they had community meetings and the applicant has agreed to four (4) proffered conditions.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0565 subject to the proffered conditions:

PROFFERED CONDITIONS

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Number 816-652-0562, 816-652-1560, and 816-652-2559 ("the Property") under consideration will be developed according to the following amended proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

1. Uses. Uses permitted on the property shall be limited to the following:
 - a. Any permitted use in the C-2 District.
 - b. Carpenter and cabinetmakers' offices and display rooms.
 - c. Cocktail lounges and nightclubs.
 - d. Contractors' offices and display rooms.
 - e. Electrical, plumbing or heating supply sales, service and related display rooms.
 - f. Feed, seed and ice sales.
 - g. Greenhouses or nurseries.
 - h. Home centers.
 - i. Indoor flea markets.
 - j. Liquor stores.
 - k. Recreational establishments, commercial-indoor.
 - l. Repair services, excluding motor vehicle repair.
 - m. Restaurants, to include carry-out and fast food.
 - n. Schools—commercial, trade, vocational, and training.

- o. Secondhand and consignment stores, excluding motor vehicle consignment lots.
- p. Veterinary hospitals and/or commercial kennels.
- q. Outside storage, as accessory to a permitted use, including, but not limited to: retail building materials; construction equipment/materials; outside runs for commercial kennels or veterinary hospitals; feed/seed items; garden centers, greenhouses, hot houses; miscellaneous materials for retail/wholesale sales; provided that:
 - i. Such uses are screened from view of any adjacent properties on which such uses are not permitted or do not exist, and from areas currently zoned A and designated on the comprehensive plan for R, A, O, or I-1 uses and external public road rights-of-way.
 - ii. No more than ten percent of the gross floor area of the principal use may be used for outdoor storage.
- r. Continuous Outside display of merchandise for sale, as accessory to a permitted use. provided that:
 - i. Merchandise shall be located under a covered pedestrian way that does not exceed 16 feet in width;
 - ii. No more than five percent of the gross floor area of the principal use shall be used for outside display purposes; and
 - iii. Merchandise is displayed so that it does not obstruct pedestrian access.
- s. Prepared food and fruit and vegetable vendors, provided that:
 - i. Only prepared food fruits and vegetables shall be sold;
 - ii. They shall be permitted only on a lot or parcel occupied by a permanent use;
 - iii. They shall be located where improved permanent parking facilities are available for their use, provided that the required minimum and most convenient parking spaces for the existing permanent use shall be used;
 - iv. Any temporary structure, vehicle, sign or other material associated with or resulting from the use shall be removed

from the lot or parcel no later than 24 hours following the end of the temporary sale cessation of the use; and

- v. All vendor areas shall be located a minimum of 1,000 feet from any property in an R, R-TH or R-MF District or any property currently zoned Agricultural and designated for residential use on the comprehensive plan unless the sales area is separate from the property by a permanent building, provided that all such areas shall be located in accordance with the district's minimum yard setbacks. (P)
- 2. Post Development Runoff. The post development runoff rate for the 2, 10, and 100 year storms shall not exceed the corresponding pre-development runoff rate. (EE)
- 3. Service of Solid Waste Storage Area. The solid waste storage area permitted on the property shall not be serviced between the hours of 8:00 p.m. and 7:00 a.m. Such area shall be prominently posted with a sign not to exceed six (6) square feet designating the hours in which the solid waste storage area may be serviced. (P)
- 4. Buffer. A fifty (50) foot buffer shall be provided along the property line adjacent to Tax IDs 816-653-1510, 2507 and 3605. Such buffer shall comply with ordinance requirements and shall be maintained until such time that these three adjacent parcels are no longer zoned A, R, R-TH, or R-MF Districts. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- F. **14SN0581***: In Bermuda Magisterial District, **Brock McAllister** requests conditional use to permit a business (contractor's storage yard) incidental to a dwelling and amendment of zoning district map in a Residential (R-7) District on 6.1 acres known as 13701 Vance Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 808-648-1486.

Mr. Ryan Ramsey stated this case was deferred from the July 2014 public hearing and the applicant has not amended the request or the proffered conditions.

Mr. Brock McAllister, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public hearing.

Mr. Roy Mastro and Mr. Larry Bateman, neighbors to the applicant support the case and have no issues with the storage of equipment on the applicant's property.

There being no one else to speak, Dr. Wallin closed the public hearing.

Mr. Patton stated there was a community meeting and Mr. McAllister has the support of his neighbors.

On motion of Mr. Patton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 14SN0581 subject to the condition and nine (9) proffered conditions:

CONDITION

There will be no further drainage improvements, unless a plan, in full conformance with Virginia Stormwater Management Regulations, is submitted by a professional engineer and approved by the Environmental Engineering Department. (EE)

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This Conditional Use approval shall be granted exclusively to Brock McAllister, and shall not be transferable with the land. (P)
2. Use: This Conditional Use approval shall be for the operation of a contractor's storage yard, incidental to a dwelling. (P)
3. Time Limitation: This Conditional Use approval shall be granted for a period not to exceed ten (10) years from the date of approval. (P)
4. Equipment Storage: The contractor's storage yard shall be limited to equipment storage only. Equipment storage shall be limited to:
 - a. One (1) Backhoe
 - b. One (1) Excavator
 - c. One (1) Bulldozer
 - d. One (1) Bobcat
 - e. One (1) Dump truck
 - f. Three (3) trailers
 - g. One (1) Mini excavator. (P)
5. Expansion of Use: No new building or parking area construction shall be permitted to accommodate this use. The use shall be confined to the gravel parking area and accessory garage designated on Exhibit A, dated June 9, 2014. (P)
6. Buffer: A twenty (20) and fifty (50) foot buffer shall be maintained along a portion of the eastern and southern properties lines, as shown on Exhibit A. These buffers shall comply with the requirements of the Ordinance for fifty (50) foot buffers (P)
7. Employees and Clients: One (1) employee shall be permitted to work on the premises other than family member employees that live on the premises. No clients shall be permitted on the property (P)
8. Signage: There shall be no signs identifying this use. (P)
9. Hours of Operation: Movement of equipment shall be limited to Monday through Friday from 6:30 a.m. to 6 p.m. Equipment shall not be moved on Saturday or Sunday. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

- K. **15SN0515:** In Bermuda Magisterial District, **Allen M. Twedt** requests conditional use to permit two (2) electronic message center signs and amendment of zoning district map in a General Business (C-5) District on 15 acres located in the southeast corner of West Hundred Road and Jefferson Davis Highway. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Regional Mixed use. Tax ID 799-654-3322.

Ms. Darla Orr presented an overview to the Commission relative to the request for two electronic message centers. The request property is at the intersection of West Hundred Road and Jefferson Davis Highway, adjacent properties are zoned C-5 and C-3 and are occupied by commercial uses. Redevelopment is underway at the Bermuda Square Shopping Center and the applicant proposes to replace the signs. Sign One, along Jefferson Davis Highway is recommended for approval and complies with the size for EMC's. The policy requires a minimum of 1000 feet spacing between EMC signs. Sign Two is recommended for denial as it does not comply with the Policy relative to spacing and could set a precedent. Should the Commission wish to approve both signs as proposed, staff recommends the imposition of the Condition on page 4 of the staff report.

Mr. Allen Twedt, the applicant's representative, agrees to all of the conditions in the staff report and requests support from the Commission.

Dr. Wallin opened the floor for public hearing.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Mr. Patton advised Revitalization is in place at the thirty (30) year old shopping center, Bermuda Hundred. Martin's will be moving to a larger space and reconfiguring the whole center. He agrees to the seventeen (17) foot exception for the sign.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 15SN0515 subject to the proffered condition:

PROFFERED CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of three (3) lines and shall not move but may fade;
- b. The message or display shall be programmed to change no more than once every thirty (30) seconds;
- c. Sequential messaging shall be prohibited;
- d. Flashing and traveling messages shall be prohibited;
- e. Bijou lighting and animation effects shall be prohibited;

- f. The electronic message center shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the building it serves; and
- g. Brightness shall be limited so as not to exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of forty five (45) feet. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

X. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters.

XI. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Patton, seconded by Dr. Brown that the meeting adjourned at 7:33 p.m. to Tuesday, October 21, 2014 at 2:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

Chairman/Date

Secretary/Date